City and Borough of Urangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION November 29, 2018 6:00pm Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: October 11, 2018

- **D. PERSONS TO BE HEARD**
- **E. CORRESPONDENCE**
- **F. OLD BUSINESS**

G. NEW BUSINESS

- 1. Final Plat review of the Bay Company replat and Alley Vacation II, a replat of Lots A and C, Bay Company Replat; and Lots 1 and 2, Block B, Sortyard Subdivision; and vacation of 15' alley, zoned Waterfront development, requested by Chet and Bejay Powell.
- 2. Final Plat review of the Larsson-Buhler Replat, a replat of Lots 7B and 8B, Mitchell-Buhler Replat, zoned Waterfront Development, requested by DB AK Enterprises, LLC.
- Pub Hrg 3. Review of a Conditional Use permit for a duplex to be utilized as transient vacation accommodations on Lot 7B and 7C, Block 12 Lanting Resubdivision, zoned Single Family Residential, requested by Mike and Lydia Matney.
- Pub Hrg 4. Review of a Variance application for a back yard setback of 14 feet and a front yard setback of 13 feet for two residential structures on new lots as proposed in the Bylow Subdivision; and modification of a permitted variance to the front yard setback for stairs on Portion of Lot 4, Block 17, USS 1119 Wrangell Townsite, zoned Single Family Residential, requested by Kevin and Abigail Bylow and Gary and Scarlet Poovey.
- Pub Hrg 5. A preliminary plat of the Bylow Subdivision, a subdivision of a portion of Lot 4, Block 17, USS 1119 Wrangell Townsite, creating Lots 4A and 4B Bylow Subdivision, zoned Single Family Residential, requested by Kevin and Abigail Bylow and Gary and Scarlet Poovey.
- Pub Hrg 6. A preliminary plat of the Etolin Avenue Replat, a replat of Lot 1, Block 38 and Lots 16-20, Block 30B of Etolin Ave Easement Dedication and Boundary Survey; and Lot 2 Block 38, USS 1119 Wrangell Townsite; and Lot 5, Block 38, Health Care Subdivision III, creating Lots A, B and C, Etolin Avenue Replat, zoned Single Family Residential, requested by the City and Borough of Wrangell.

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Urangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

October 11, 2018 7:00pm Minutes

A. CALL TO ORDER/ROLL CALL: Chair Terri Henson called the meeting to order at 7:00 pm. Commissioners Don McConachie and Apryl Hutchinson were present. There are currently 2 vacancies on the Commission. Also present were staff Carol Rushmore and Aleisha Mollen.

B. AMENDMENTS TO THE AGENDA:

McConachie asked to add an item as G1 under New Business to make a proposal to the Borough Assembly regarding the Noise Ordinance.

Hutchinson asked to add an item as G2 under New Business to make a change to the Wrangell Municipal Code for Planning & Zoning Meeting start time. She would like the start time to be 6:30 instead of 7:00.

Hearing there were no objections, both items were added to the agenda.

C. APPROVAL OF MINUTES: September 13, 2018 & Special October 3, 2018 M/S: McConachie/Hutchinson moved to approve the minutes as presented. Motion approved unanimously by consent.

D. PERSONS TO BE HEARD:

Haig Demerjian signed up to speak on F1 and will speak at that time.

E. CORRESPONDENCE: None.

F. OLD BUSINESS:

1. Discussion of potential code changes to address noise standard.

Rushmore shared that this is based on the previous discussions and findings.

Demerjian commented on the draft and is in support of this due to the set decibel limit to make it enforceable. He stated that the exceptions were subjective in the wording "reasonable." He also questioned if those exceptions would be allowed in any zone, further allowing unreasonable exceptions. The question is about what is reasonable and expected in various zones based on their type. Lastly, he said that consequences should be added in to state what will happen if the ordinance is not followed. Regarding Item B7, McConachie said that he could see Power Tools and Equipment & Machinery as separate items. Power Tools could remain as B7 and Equipment & Machinery could be the new B8, moving everything down. The Commission could then come up with guidelines around that. Henson stated that Equipment & Machinery could actually be covered under 6 and 10. It was agreed to strike the words "Equipment & Machinery" from B7 in the tile and definition.

Henson asked to change the definition in A to "excessively loud" instead of "unreasonably loud." The decibel limit was discussed around the decibel number limit. Rushmore stated that the OSHA limit is an average of 90 decibels over an 8 hour period. After the last meeting, Denise Svendsen brought in the information from their business to give an example and they average less than the 90 decibel limit. McConachie asked about referencing the OSHA standards in this paragraph around the decibel limit. Rushmore noted that this is zone-specific and specified that this would replace the current code.

Demerjian noted that the OSHA requirements are for Commercial and Industrial Use and shouldn't be applied to Residential. He also asked about the activities and if there was a difference between someone doing an activity for themselves or for money. He asked again to focus on zone-appropriate activities.

Henson asked how it could be worded to allow for a continual activity that falls under the exceptions. McConachie stated that the zoning is the issue around the current complaint and that the activities happening on the Commercial property right now would not be acceptable is there was a business involved, but they are caught in a loophole since it's a personal hobby. He asked, though, what puts the teeth behind it? He suggested a 30-day period fine structure. A warning would be given, then a first offense would be \$50, a second offense would be \$75, and a third offense would be \$150. Henson stated that she agreed with the structure, but who proves it? McConachie stated that the burden of proof would be on the person making the complaint. Henson said that we would need to involve the Police Department to determine how they would want to enforce the complaints.

Rushmore referred to the staff report from the last meeting and asked to modify the first sentence from the Valdez ordinance to read "Any use which causes or may reasonably be expected to cause excessive noise, vibration, or sounds objectionable due to intermittent beat, frequency, or shrillness beyond the above decibel levels could be permitted if muffled or contained inside of an approved structure." She is still working on the exact wording of this to include all of this.

Henson asked where this would be housed going forward. Rushmore stated that it could be within the Nuisance Code and referred back to the Noise Ordinance within the Zoning Code.

Rushmore asked for a Work Session around this item during the day on the 18th or the 19th, exact day and time to be determined.

G. NEW BUSINESS:

1. Proposal to the Borough Assembly regarding the Noise Ordinance. M/S: McConachie/Hutchinson moved to propose to the Borough Assembly the draft noise ordinance discussed tonight including the changes proposed.

Motion approved unanimously by poll vote.

2. Proposal to change the WMC for P&Z Meeting start time to 6:00 p.m. M/S: Hutchinson/McConachie moved to propose a code change to WMC 3.44.090 to begin Planning & Zoning Commission meetings at 6:00 p.m. Motion approved unanimously by poll vote.

H. PUBLIC COMMENT: None.

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS:

There will be no regular meeting in November due to lack of quorum, but a Special Meeting will be called the last week of November or the first week of December.

J. ADJOURNMENT: 8:15 p.m.

CHAIRPERSON

SECRETARY

City and Borough of Wrangell, Alaska

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat of the Bay Company Replat and Alley Vacation II, a replat of Lots A and C, Bay Company Replat; and Lots 1 and 2, Bock B, Sortyard Subdivision; and vacation of 15' alley, zoned Waterfront Development, requested by Chet and Bejay Powell.

Recommendation:

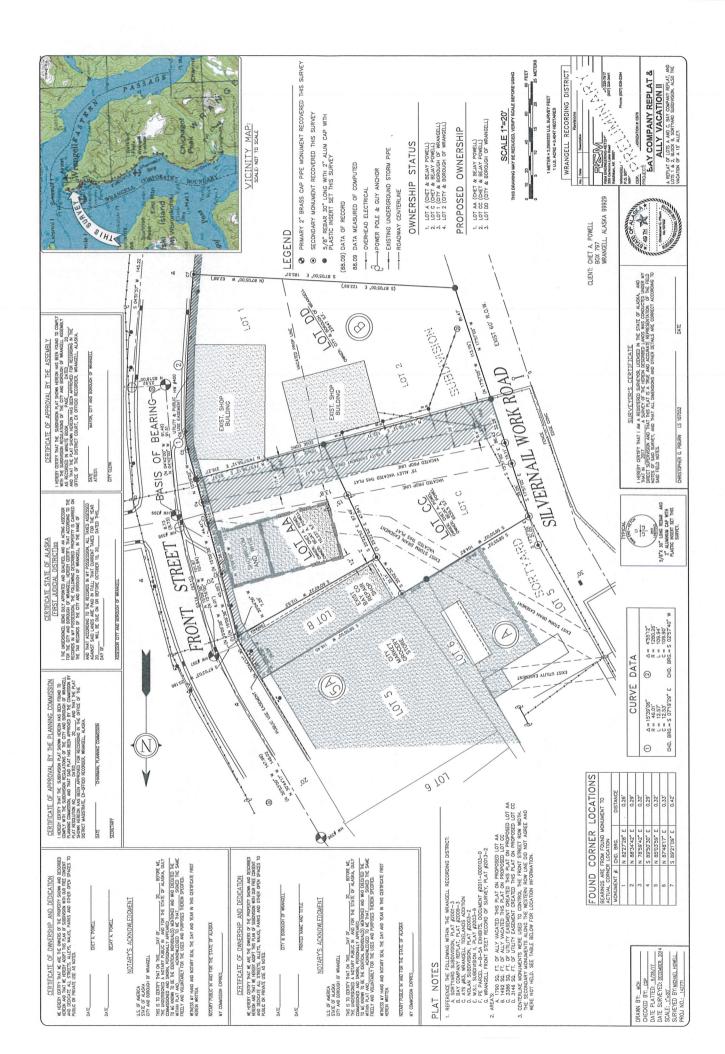
Staff recommends approving the Final plat.

Recommended Motion:

Move to approve the Final Plat of the Bay Company Replat and Alley Vacation II, subject to the Assembly authorizing final sale of City property to the Bay Company.

Findings:

The preliminary plat was approved in August of 2018 after determining the final width of the easement required near front street for water and sewer to meet depth and distance requirements. Their whole process to vacate the alley and purchase additional property began at least in 2014. Assembly approved the alley vacation and purchase of additional property in 2017. Per this plat, the alley way is vacated in its entirety and replaced with a utility easement extending from Front Street to Silvernail Work road and all the way to the new property boundary (fence line) between the port yard and Bay Company. Remaining unsold portions of former Lots 1 and 2 owned by the City and part of the Marine Service Center have been combined into one single lot as there are marine service center lease areas within this lot, one of which straddled the former lot line.



City and Borough of Wrangell, Alaska

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat of Larsson-Buhler Replat, a replat of Lots 7B and 8B, creating Lot 7BB and 8BB, zoned Waterfront Development, requested by DB AK Enterprises LLC.

Recommendation:

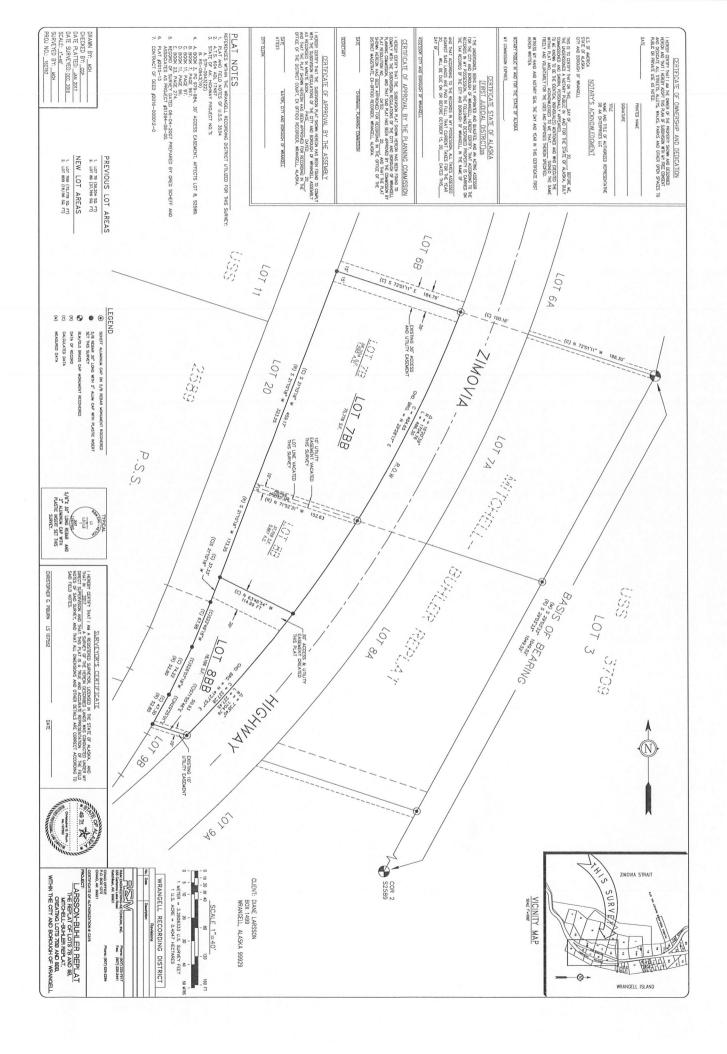
Staff recommends approving the Final plat.

Recommended Motion:

Move to approve the Final Plat of Larsson-Buhler Replat, a replat of Lots 7B and 8B, creating Lot 7BB and 8BB.

Findings:

The preliminary plat was approved in early 2017. The final has been held up until the clients paid for the outstanding survey bill. Proposed Lot 7BB is a larger lot combining Lot 7B with a portion of the old Lot 8B because the old mill office straddled the old lot line. The current access to the lower portion of the mill property is provided as an easement across Lot 8BB.



City and Borough of Wrangell

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional Use Permit application for a duplex to be used as vacation rentals on Lot 7B and 7C, Lanting Resubdivision, Plat# 95-2, zoned Single Family Residential, requested by Mike Matney.

Background: The applicant is seeking to operate 2 transient short term vacation rentals within their duplex.

Recommendation: Approve the conditional use permit application for a cottage industry for short term vacation rentals

Recommended Motion: Move to approve findings of fact and the conditional use permit request for a cottage industry allowing the duplex as two short term vacation rentals as a cottage industry, subject to the following condition:

1) Provide Guest Guidance or similar document on noise, behavior, to encourage respect for the residential district and neighbors.

Review Criteria:

Single Family Residential: Chapter 20.16 Standards: Chapter 20.52

Findings of Fact:

Applicant is seeking to utilize a duplex that he has purchased as two vacation rentals. Conditions of Approval for conditional use applications include:

1) Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc. The property is zoned Single Family Residential which allows two family dwellings as a permitted use. WMC 20.08.260 defines dwelling unit as one or more rooms and a single kitchen designed as a unit for occupancy by not more than one family for living or sleeping purposes.

Home Occupations (WMC 20.08.380) are allowed as an accessory use within the home as long as there are no changes from the characteristics of the permitted use. Cottage Industry (WMC 20.08.200) requires a conditional use permit and is for uses that are compatible with the underlying zone but could potentially have impacts to the adjacent property owners. Because the owners do not reside at the duplex, and the use could have potential impacts, the requested conditional use permit is for a cottage industry for short term vacation rentals.

A vacation rental for short term transient duration (under 30 days) could see an increase in traffic to the neighborhood as visitors come and go from their overnight stay. However, the traffic may be no different than a typical resident. Many visitors will not have a vehicle and will be on foot, but some will have vehicles. The increase in traffic is likely to be minimal.

Noise could be more than typical if the unit is rented by vacationers interested in partying. City Hall has not yet received any complaints by neighbors of vacation rentals and the owner can provide rules and reminders to all guests to minimize potential issues.

2) Provisions of sewer and water: The property is connected to sewer and water.

3) Entrances and off-street parking available without safety issues:

Access to the residences are from Cassiar Street. The short term rental is required to have at least one off street parking place for each rental unit for a total of 2 parking places. Many visitors will not have a vehicle and will be on foot, but some will have vehicles. The property has at least the two required spaces and could accommodate third. The duplex used as a long term rental would also require 2 parking places.

CITY OF WRANGELL, ALASKA CONDITIONAL USE APPLICATION

PLANNING AND ZONING COMMISSION P.O. BOX 531 WRANGELL, ALASKA 99929 Application Fee: \$50

I. Applicant's Name and Address:

Matney
V
Wrangell
. /
-

II. Owners's Name and Address:

Applicant's Phone Number:

Owner's Phone Number: 907 - 305 - 1117
III. Legal Description: Lot 78 47C, Block, U.S. Survey Plat 95-2 Parcel No. 02-004-311 337 CassAir
Parcel No. 02-004-311 337 CassAir
IV. Zoning Classification: Residentia (
V. Specific Request:
V. Specific Request: Would like to Rent Weekly

VI. Site Plan shall be submitted with the application. The plan shall show existing and proposed structures, driveways, roadways, existing and proposed grading. Additional information shall be furnished upon request of the Zoning Administrator.

VII. Construction Schedule: BEGIN: _	END:
SIGNATURE OF OWNER: Mi	Matney DATE: 10/-5/18
SIGNATURE OF APPLICANT:	he Matney DATE: 10/5/18

If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the applicant is other than the owner.

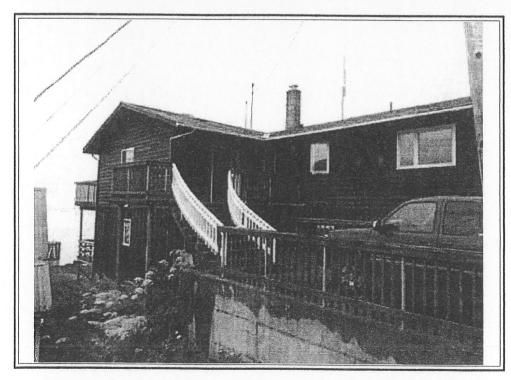
SOUTHEAST APPRAISAL SERVICES, LLC SUBJECT PHOTO ADDENDUM

File No. 02-17-013 Tracking# 72113754

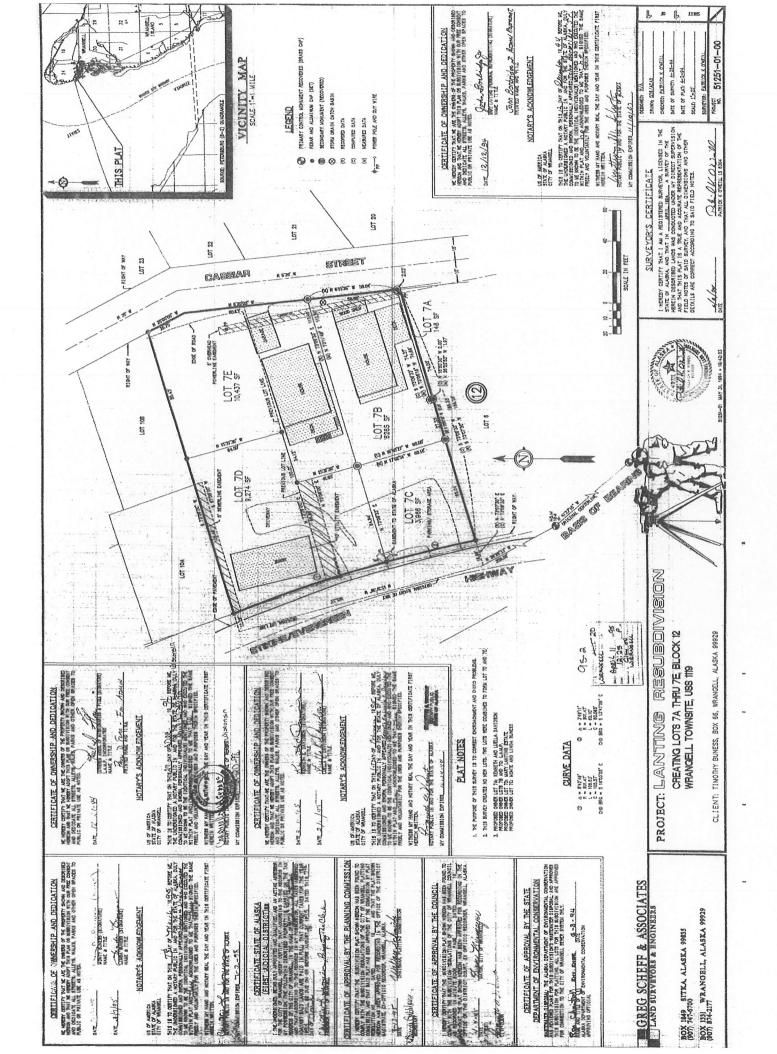
Borrower Mike & Elizabeth Matn	еу					
Property Address 337 Cassiar S	treet					
City Wrangell	County	Wrangell Borough	State	AK	Zip Code	99929
Lender/Client Wells Fargo Bank N.A 0036946		Address	, Anchorage, Ak	(99503		



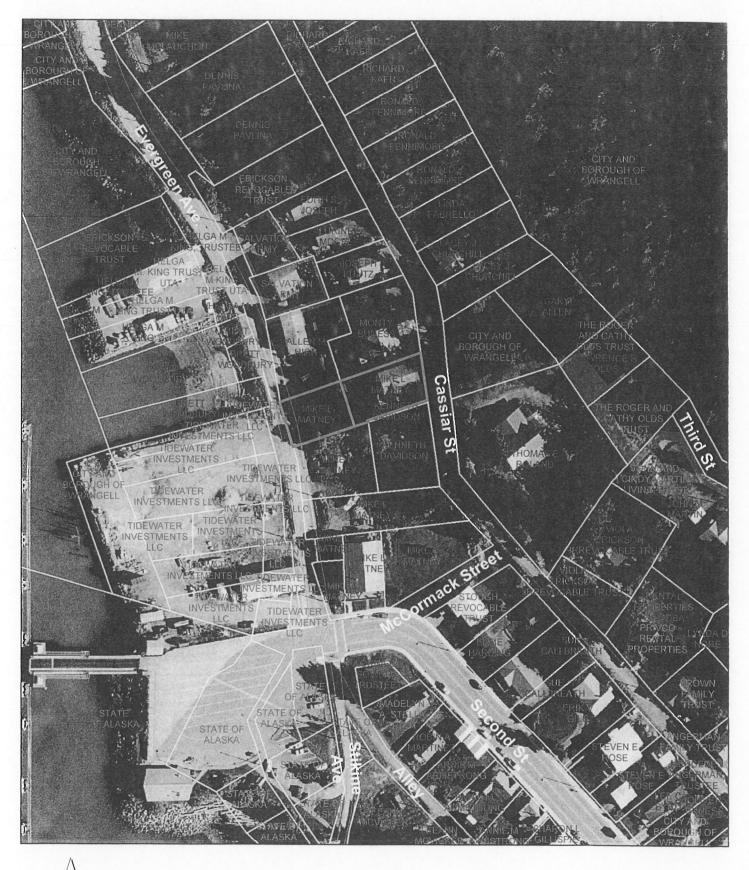
FRONT OF SUBJECT PROPERTY 337 Cassiar Street Wrangell, AK 99929



REAR OF SUBJECT PROPERTY



CITY AND BOROUGH OF WRANGELL, ALASKA



N 1 inch = 125 feet Date: 11/5/2018

Public Map



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY. PROPERTY LINES ARE APPROXIMATE.

City and Borough of Wrangell, Alaska

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Review of a Variance application for a back yard setback of 14 feet and a front yard setback of 13 feet two residential structures on new lots as proposed in the Bylow Subdivision; and modification of a permitted variance to the front yard setback for stairs.

Recommendation:

Staff recommends approving the front and back yard setback requests, as well as the variance modification for the stairs.

Recommended Motion:

Move to approve findings of facts; a 14 foot back yard setback for the proposed new lower lot (Lot 4A Bylow Subdivision) from the mutual property line parallel with Reid Street; and a 13 foot front yard setback for the proposed upper lot (Lot 4B Bylow Subdivision) from the property line bordering St. Michaels Street, and a modification to a variance approval to a 3 foot front yard setback for stairs.

Criteria:

The proposal must comply with the following sections:

Chapter 20.16: Single Family Residential Chapter 20.52: Lot Standards Chapter 20.72: Variances

Findings:

The applicants purchased this parcel from the City. Three years ago when they began a subdivision of the property, a title report revealed numerous issues that were left clouding the title to the property and some minor discrepancies in the property boundaries. Because the City had sold the property to the Bylow/Poovey's without obtaining a title report, the City agreed to work with the Bylows on the title issues to clear the title and define the actual property boundaries. That was completed in September of this year.

The parcel being proposed for subdividing is over 11000 square feet and 5000 square feet is the minimum lot size for the Single Family District. To allow their proposed development plans, variances must be obtained for the structures on the proposed new lot configurations.

On the proposed upper lot, there is an abandoned structure that will be torn down and a new house will be constructed mostly in the existing location. The existing structure currently does not meet the 20' required front yard setback requirement from St. Michael Street. The lower lot has a newly constructed house. The full lot as existing and the new proposed smaller lower lot are corner lots and require a 20 foot setback all around (rather than 20' front/back and 5' side). A variance was obtained in 2013 for the deck and the stairway to be located 5 feet from the Reid Street property line. The current survey shows that the steps were constructed slightly closer to the property line than what was approved in 2013 (3.8 feet).

A variance must meet four criteria:

- Exceptional Physical Circumstances: The lot is steeply sloped lot and a corner lot which requires 20' setbacks on all sides. It already accommodates two structures, although one is currently abandoned. Originally the plan was to provide a 20' backyard setback for the lower structure, but the subdivision is being based on the toe of the existing slope of the upper structure. The upper structure did not meet the required setback. The applicants are proposing to construct no closer than the existing structure at 13 feet from St. Michaels. There is a 10 foot access and utility easement on the north side of the upper lot restricting some reconfiguration of the house toward that side of the property. For the stairs, the slope and rock formation along Reid Street resulted in additional stairs necessary to be safe.
- 2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would result in a portion of the fill on the upper lot to be part of the lower lot rather than on its own lot entirety. The new structure on the upper lot could be pushed back an additional 7 feet, but use of the existing foundation would be lost. Requiring the stairs to remain at 5 feet from the property line will result in a safety issue for accessing the front of the new structure.
- 3. That the granting of the variance will not result in prejudice to others, or be detrimental to public health, safety or welfare: The granting of the variance will not prejudice others in the area. The variance request will not be detrimental to public health, nor should it impact adjacent neighbors within the same district. The three variances requested should not impact the driving site visibility. Parking is provided onsite for each residence.
- 4. Granting of the variance is not contrary to the comp plan for single family residential development.

APPLICATION FOR VARIANCE

CITY OF WRANGELL PLANNING AND ZONING P.O. BOX 531 WRANGELL, AK 99929 Application Fee \$50.00

I. The undersigned hereby applies to the City of Wrangell for a variance.

II. Description: (use additional paper if necessary)

II. De	escription: (use additional paper if necessary)
	Legal description of the area requested for the variance $7071000 + 40$
02-021-183	Block 17 (To become Lot YA & UB)
02 021-105	Lot (s) size of the petition area 4 A 5.300 Sa FF
	4B 5600 SQFF
	Existing zoning of the petition area SFR
	Current zoning requirements that cannot be met (setbacks, height, etc.): 4A back /ard Set back, 4B front yard Set back
	Proposed change that requires this variance
III. Ap	oplication information: (use additional paper if necessary)
	Explain details of the proposed development In Process of Sup division
	Which Created new Corner Lot, existing structure cannot be
	A variance may be granted only if all four of the following conditions exist: Made 20 Fd.
	That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone. See offer Page
	That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships.
	That the granting of the variance will not result in material damage

or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.

Explain how your application meets these conditions: The Sub-division
Creates a new corner lot. The slope of property and
existing Stautures in place impeed on the new corner lot
existing structures in place impered on the new corner lot Set backs. The new set backs will meet the objectives of the Comprehenser
Note: A variance shall not be granted because of special conditions caused by Plan.

Note: A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a zone in which that use is prohibited.

A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.

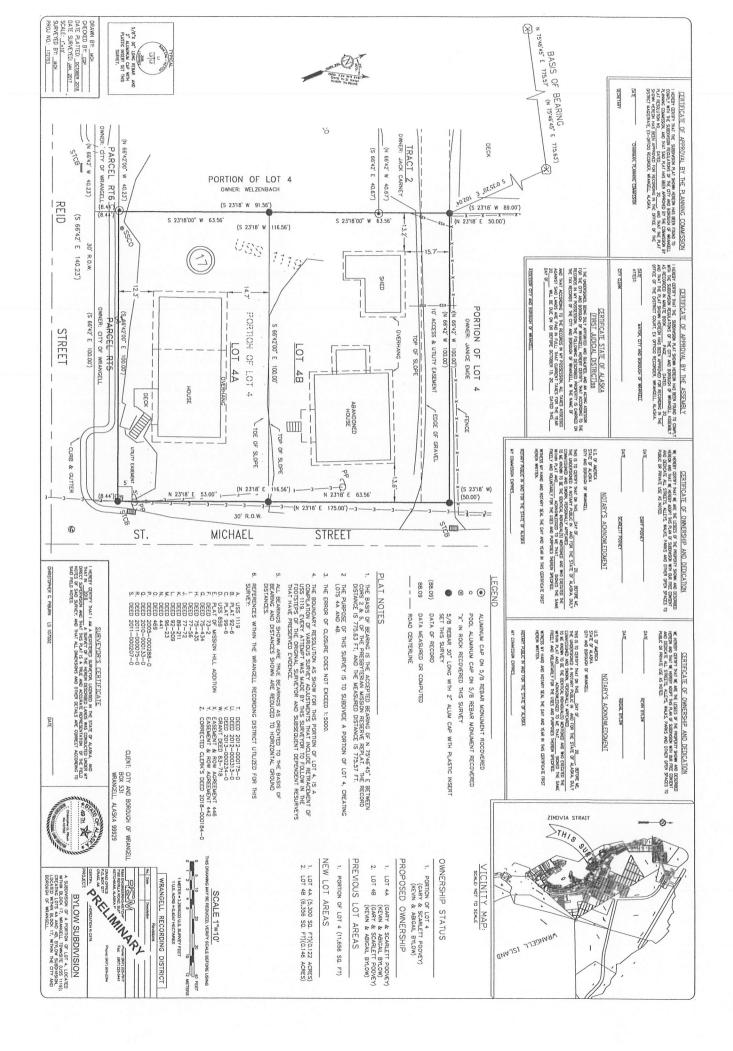
I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for orty subject herein

the property subject hereing	
Kevin Bylaw	
PRINT, PETITIONER'S NAME	1
BA	1
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA	DA
209 St. Michaels St., Box 1584 Wrangell	5
ADDRESS	TE

305-0130 LEPHONE

Lot 4B has an existing abandoned structure which will be setorn down. A new structure will be built using the same foundation pad which needs a 13' Set back.

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CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 125 feet Date: 11/5/2018 Public Map



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City and Borough of Wrangell, Alaska

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary plat review of the Bylow Subdivision, a subdivision of a portion of Lot 4, Block 17, USS 1119, creating Lots 4A and 4B Bylow Subdivision, zoned Single Family Residential, requested by Kevin and Abigail Bylow and Gary and Scarlet Poovey.

Recommendation:

Staff recommends approving the preliminary plat

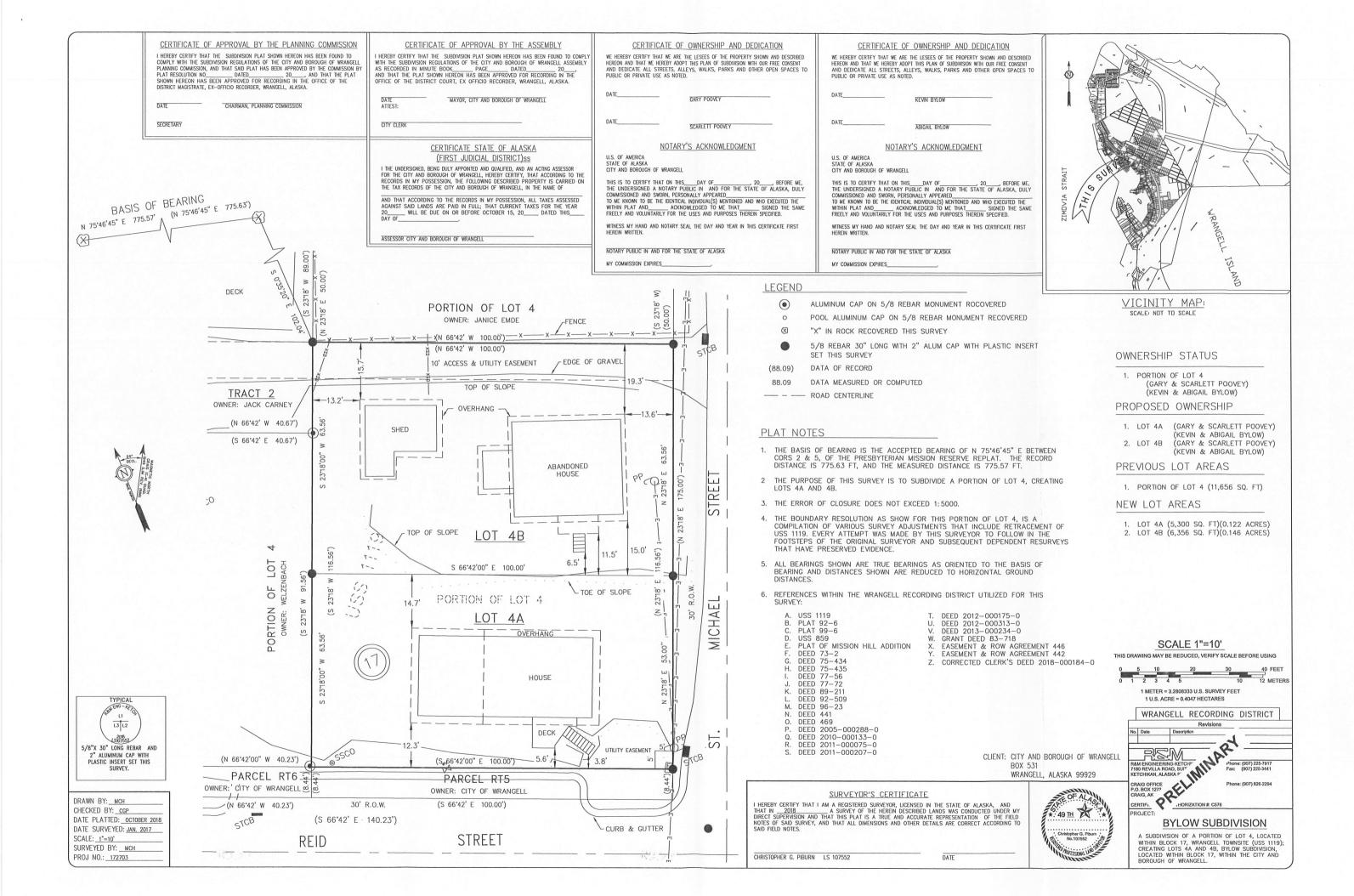
Recommended Motion:

Move to approve the Preliminary plat of the Bylow Subdivision, a subdivision of a portion of Lot 4, Block 17, USS 1119, creating Lots 4A and 4B Bylow Subdivision, subject to approval of the requested setback variances.

Findings:

The applicants purchased this parcel from the City. Three years ago when they began this subdivision, a title report revealed numerous issues that were left clouding the title to the property. Because the City had sold the property to the Bylow/Poovey's the City agreed to work with the Bylows on the title issues to clear the title and define the actual property boundaries. That was completed in September.

The parcel being subdivided is over 11000 square feet and 5000 square feet is the minimum lot size for the Single Family District. On the proposed upper lot, there is an abandoned structure that will be torn down and a new house will be constructed mostly in the existing location. The existing structure currently does not meet the 20' required front yard setback requirement from St. Michael Street. The lower lot has a newly constructed house. The full lot as existing and the new proposed smaller lower lot are corner lots and require a 20 foot setback all around (rather than 20' front/back and 5' side). A variance was obtained in 2013 for the deck and the stairway to be located 5 feet from the Reid Street property line. The current survey shows that the steps were constructed slightly closer to the property line than what was approved in 2013 (3.8 feet), but is being addressed for modification within the variance application.



City and Borough of Wrangell, Alaska

Date: November 26, 2018

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: A preliminary plat of the Etolin Avenue Replat, a replat of Lot 1, Block 38 and Lots 16-20, Block 30B of Etolin Ave Easement Dedication and Boundary Survey; and Lot 2 Block 38, USS 1119 Wrangell Townsite; and Lot 5, Block 38, Health Care Subdivision III, creating Lots A, B and C, Etolin Avenue Replat, zoned Single Family Residential, requested by the City and Borough of Wrangell

Recommendation:

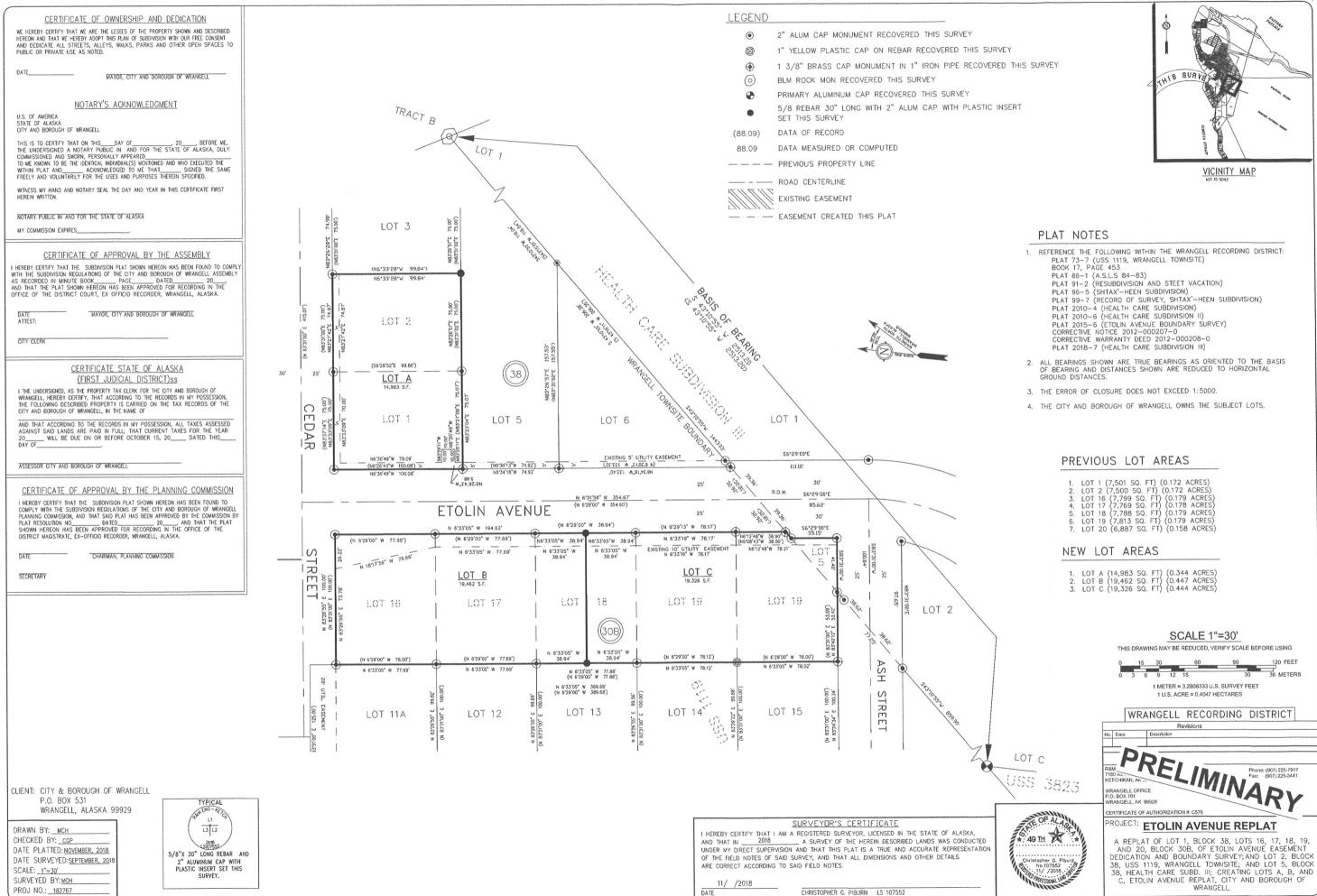
Staff recommends approving the preliminary plat

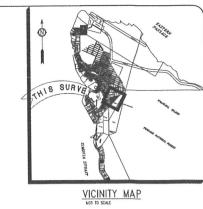
Recommended Motion:

Move to approve preliminary plat of the Etolin Avenue Replat, a replat of Lot 1, Block 38 and Lots 16-20, Block 30B of Etolin Ave Easement Dedication and Boundary Survey; and Lot 2 Block 38, USS 1119 Wrangell Townsite; and Lot 5, Block 38, Health Care Subdivision III, creating Lots A, B and C, Etolin Avenue Replat<u>Findings</u>:

Findings:

In 2015, the City and Borough of Wrangell put 8 lots up for sale at the end of Etolin Avenue. Only one of those lots has sold. There were many comments about how small the lots were. So, since none others have sold, staff requested a year ago to combine lots creating larger lots for sale, which the Assembly approved. This is the resulting replat. There is also a corner added to one of the lots that was recently created as a substandard lot in the Health Care Subdivision III plat, with the understanding it would be combined with the end lot.





1	IOT	1	(7.501)	SQ.	FT)	(0.172)	ACRES)
0	LOT	2	17 500	00	ET)	10 172	ACPES)
2.	LOI	2	(7,500	SQ.	r 1)	(0.172	ACRES)

1.	LOT	А	(14,983	SQ.	FT)	(0.344	ACRES)
2.	LOT	В	(14,983 (19,462 (19,326	SQ.	FT)	(0.447	ACRES)
3.	LOI	С	(19,326	SQ.	FI)	(0.444	ACRES)